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# LEGISLATION DRAFTING MANUAL

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Concise Version

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Research & Legislation, LSO

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## Contents

PREFACE.....	4
GENERAL .....	4
SOURCES OF LEGISLATION.....	5
LEGAL REQUIREMENTS FOR BILLS.....	5
BILL INTRODUCTION DEADLINES.....	12
LEGISLATIVE PROCESS FOR LEGISLATION.....	13
TECHNICAL ASPECTS OF BILL DRAFTING.....	15
BILL DRAFTING CHECKLISTS.....	17
STATEMENTS OF PURPOSE AND FISCAL NOTES.....	19
STYLE GUIDE .....	20
Bill Structure .....	20
Bill Language.....	21
Word Use Guide .....	28
The Tricky Ones.....	30
Words in Depth.....	31
GLOSSARY.....	34
EXAMPLES.....	37
Bills.....	37
Example 1 - Amending a statute with emergency clause .....	37
Example 2 - Adding a statute with effective date clause.....	38
Example 3 – Repealing a Statute.....	39
Example 4 – Repealing, adding and amending statutes.....	40
Unique Effective Date Clauses.....	41
Example 5 – Multiple Effective Dates .....	41
Example 6 – Multiple Effective Dates .....	41
Example 7 – Multiple Effective Dates with Retroactive Effective Date.....	42
Example 8 – Effective Date with Contingencies .....	43
Example 9 – Effective Date with Contingencies .....	44
Example 10 – Emergency Clause with Retroactive Date.....	44
Example 11 – Sunset Clause .....	45

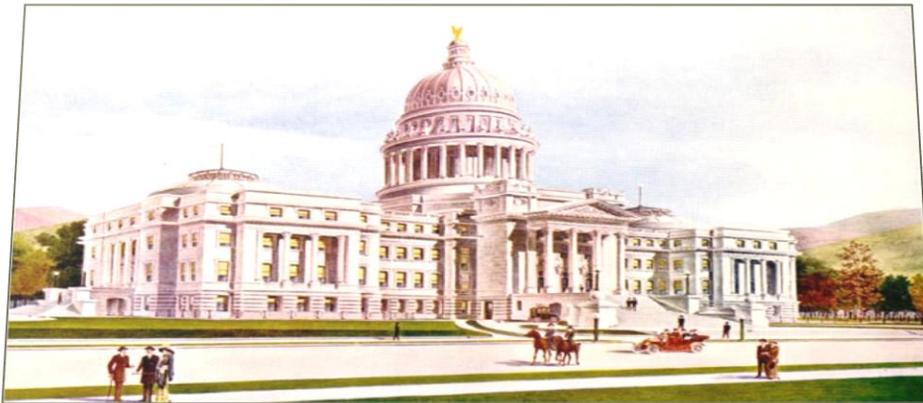
Example 12 – Sunset Clause with Emergency Clause .....	46
Example 13 – Sunset Clause with Emergency Clause .....	47
Example 14 – Effective Date with Application.....	48
Example 15 – Effective Date with Application.....	48
Simple Resolutions.....	49
Example 16 – Addition of a New Rule.....	49
Example 17 – Amending a Senate Rule .....	50
Concurrent Resolutions .....	51
Example 18 – Supporting the Efforts of the Governor .....	51
Example 19 – Recognizing “Go Red for Women Day” .....	52
Example 20 – Urging Amendment to the 10th Amendment of the U.S. Constitution .....	53
Example 21 – Rule Rejected .....	55
Joint Resolution .....	56
Example 22 – Proposing Amendment to the Idaho State Constitution .....	56
Memorials .....	58
Example 23 – Requesting Congressional Support.....	58
Example 24 – Supporting the President’s Economic Security Package .....	59
Proclamations.....	60
Example 25 – Commending the people of Ada County and the City of Garden City .....	60

The Legislation Drafting Manual (Concise Version) is a publication of the Research and Legislation Branch, Legislative Services Office. If you have questions or comments regarding the manual, please contact Lara Margelofsky (208) 334-4852. Rev 5/2017

## **PREFACE**

Bills, resolutions and memorials for introduction in the Idaho Legislature are prepared by the Research and Legislation section of the Legislative Services Office. Legislation must have a legislator to sponsor it before we can begin processing. This manual is designed to assist those who prepare initial drafts of legislation in order to provide a uniformity of style and format.

All legislation to be proposed in any session of the Idaho Legislature is reviewed by a bill drafter and processed by the Research and Legislation section. Assistance in research and bill drafting is available upon request by contacting the section office, located in room W133, in the west wing of the Capitol Building, (208) 334-2475.



## **GENERAL**

The determination of the objectives and contents of proposed legislation is the prerogative of the legislator. The drafter's function is to devise actual statutory language and put legislation in the proper form. It is important that the legislator provide as much background material and information as possible, since it is neither the drafter's right nor duty to supply the substance of a piece of legislation. A drafter should keep in mind:

- The object of the proposed legislation;
- What is provided in existing law with respect to the subject matter;
- Whether the proposed legislation will be in conflict with the provisions of the State or United States Constitution; and
- How existing state law might be affected by the proposed legislation.

## **SOURCES OF LEGISLATION**

### ***Idaho Code***

If you are amending an existing section of the Idaho Code, photocopy the code section and mark your changes with ink accordingly. The code sections are available at [www.legislature.idaho.gov](http://www.legislature.idaho.gov). If the changes are extensive, Research and Legislation editors can email you a Microsoft Word copy of the code section.

### ***Bills of Past Sessions***

Research and Legislation maintains an index of legislation prepared since 1971 and can supply you with a physical copy of any legislation prepared since that time.

### ***Bills of the Current Session***

Several variations of a particular subject surface as the legislative session progresses. Check the current subject index of bills introduced or check with Research and Legislation for identical or similar pieces of legislation. The existing legislation can be marked with the changes and submitted.

### ***Existing Idaho Code Statutes***

Draft legislation can sometimes be patterned after an existing Idaho law. For example, if you propose to license acupuncturists, obtain a copy of the code sections pertaining to the licensure of a profession closely resembling that profession and replace the original licensure professional name with “acupuncturist” and edit the related requirements.

### ***Laws of Other States***

Legislation prepared or enacted in another state sometimes is identical to what a drafter proposes in our state. It would only be necessary to obtain a copy of the legislation and mark the changes necessary for conformance to Idaho law, bill form, and language.

### ***Uniform and Model Acts***

A list entitled “Suggested State Legislation” is published annually and is on file with the Librarian in the Legislative Library and available online at: [www.csg.org/programs/policyprograms/SSL.aspx](http://www.csg.org/programs/policyprograms/SSL.aspx).

## **LEGAL REQUIREMENTS FOR BILLS**

### ***Definition of a Bill***

**Joint Rule 2** defines a bill as “[T]he draft of a law or amendment thereto submitted to the legislature for its approval or rejection.” The rule also provides that bills may originate in either house and may be amended or rejected in the other. However, bills for raising revenue must originate in the House of Representatives. A bill originating in

one house and amended in the other may not again be amended in the house of origin except pursuant to report of a conference committee.

### ***Enacting Clause***

**(Section 1, Article III, Idaho Constitution and Joint Rule 2.)**

Every bill must have an enacting clause or it is void.

“...The enacting clause of every bill shall be as follows: Be It Enacted by the Legislature of the State of Idaho: ... .”

### ***Plain Words***

**Section 17, Article III, of the Idaho Constitution** requires that “Every act or joint resolution shall be plainly worded, avoiding as far as practicable the use of technical terms.” This requirement is restated in **Joint Rule 2**.

**Section 73-113, Idaho Code**, requires that words and phrases are to be construed according to their context and approved usage. Technical words, phrases and terms of art will be construed according to their peculiar and appropriate definition.

### ***Unity of Subject and Title***

#### ***The One Subject Rule***

**(Section 16, Article III, Idaho Constitution)**

This Article requires unity of subject and title in a bill. A bill can address only one subject. Every bill must have a title that reflects that subject. In other words, a bill increasing poaching fines cannot also provide a loan program for small businesses. However, bills often modify statutes across several code titles if they address the same subject. “A golden thread” must run through all the amended statutes linking them together by subject.

#### ***Bill Titles***

**(Section 67-514, Idaho Code)**

Together with the requirements of **Section 16, Article III, of the Idaho Constitution**, this statute requires that each bill title: “...contain a specific phrase which expresses the subject matter of the bill. Such phrase may be the short title of the act, and shall be used in legislative journals to identify the bill upon introduction, along with other identification required by rules of the House of Representatives or Senate.”

The phrase discussed in this statute is made up of the first few descriptive words of the title, followed by a semicolon and the body of the title. The phrase begins with “relating

to” and expresses the subject matter of the bill such as: “relating to the consumer protection act” or “relating to powers of the fish and game commission.”

Following the “relating to” phrase, each section of the bill must be mentioned in the body of the title with a phrase containing a very brief description of the change taking place in that section. Semicolons separate each section description; commas separate phrases within the section description.

### ***Amending the Idaho Constitution***

Use a joint resolution to amend the Idaho Constitution. **Section 1, Article XX, of the Idaho Constitution**, imposes the following requirements for amendments:

- Constitutional amendments may be proposed in either the House or Senate;
- They need a two-thirds vote of each house;
- After adoption they are submitted to the electors at the next general election;
- They must be published at least three times in every newspaper qualified to publish legal notices; and
- Publication must include the arguments for and against the proposed amendment.

**Section 2, Article XX, of the Idaho Constitution** requires that “If two (2) or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.”

Amendments to the Constitution should be written generally rather than specifically, as the subject matter allows. The goal is to give the Legislature adequate flexibility to address problems as they arise and change shape over the years. Make the fewest changes necessary to accomplish the intended goal. Amending the Constitution is a relatively rare act. Any words replaced or inserted will exist in that form for generations.

**Joint Rule 20** provides important requirements for the introduction of amendments to the Idaho Constitution. The rule states:

“A joint resolution proposing an amendment to the Constitution of the State of Idaho must be introduced on or before the thirty-sixth day of the Regular Legislative Session and must be transmitted from the house of origin to the other house prior to the fifty-fifth day of the Regular Legislative Session. The provisions of this rule may be waived by the presiding officer of either house upon presentment of a signed petition by the majority or minority leadership of the house. Requests for a proposed amendment to the Constitution of the State of Idaho shall be in the Office of Legislative Services for drafting at least seven calendar days prior to its intended introduction date.”

## *Amending Statutes in a Bill*

### Play Out the Statute in Full

#### **(Section 18, Article III, of the Idaho Constitution)**

Statutes can be amended only by playing them out in full in the bill and then indicating changes on the page. **Section 18, Article III, of the Idaho Constitution** states that “No act shall be revised or amended by mere reference to its title, but the section as amended shall be set forth and published at full length.” Changes in statutes are indicated by underscores and strikethroughs. However, a statute repealed in its entirety is not played out in full, and an entirely new statute is not underscored (examples included later in this section).

### Striking and Underscoring

#### **(House Rule 28 and Senate Rule 18)**

**House Rule 28** requires that “all bills introduced which are intended to amend existing statutes, shall have the words, letters, figures, and punctuation which are added to such statute underscored; when the amendment is to strike out or repeal any part of an existing statute, the letter, figure, word, and punctuation shall be printed with a line through such letter, figure, word, and punctuation in the printed bill to indicate the part stricken or repealed. Provided, however, that when a bill includes, or consists of, the repeal of an entire section or chapter, it shall not be necessary to print such repealed section or chapter.”

**Senate Rule 18** requires amendments to statutes to be indicated by underscores and deletions by strikethroughs as follows:

...Deletions Stricken. -- When any bill, resolution, or amendment thereto is intended to amend any part or parts of an existing statute, the Constitution, or a bill previously passed by both houses, any part or parts of such statute, Constitution, or previously passed bill intended to be stricken shall be contained in the bill, resolution, or amendment thereto and by appropriate mechanical mark, struck through.

New Matter Underscored. -- All matter contained in any bill, joint resolution, or amendment thereto which is intended to be inserted in any part or parts of any existing statute, the Constitution, or a bill previously passed by both houses, shall be underscored so that the new matter shall be easily discerned, unless the bill, joint resolution, or amendment thereto contains all new matter.

### ***Adding a Code Section***

When adding a new section to the Idaho Code, you must set it out in its entirety. But don't underscore it. Use the new section clause:

"That Chapter 1, Title 67, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-101, Idaho Code, and to read as follows:"

### ***Repealing a Code Section***

When repealing a section of the Idaho Code, do not set out the entire section and strike it. Use the repealer clause:

"That Section 67-205, Idaho Code, be, and the same is hereby repealed."

### ***Effective Dates***

The July 1 effective date is imposed by the Idaho Constitution and Statute:

- **Section 22, Article III, of the Idaho Constitution** states:

"No act shall take effect until sixty days from the end of the session at which the same shall have been passed, except in case of emergency, which emergency shall be declared in the preamble or in the body of the law."

- **Section 67-510, Idaho Code**, adds July 1 to this provision:

"No act shall take effect until July 1 of the year of the regular session or sixty (60) days from the end of the session at which the same shall have been passed, whichever date occurs last, except in case of emergency, which emergency shall be declared in the preamble or body of the law. Every joint resolution, unless a different time is prescribed therein, takes effect from its passage."

- **Section 73-101, Idaho Code**, provides that no part of the Idaho Code is retroactive unless expressly declared to be.

#### ***Effective Date Clause -- Not Required for July 1 Effective Date***

July 1 is the default effective date imposed by law for legislation. Therefore, no effective date clause is necessary unless a different effective date is intended.

#### ***Effective Date Clause - Required For Effective Dates After July 1***

Effective dates after July 1 must be expressed in a properly worded effective date clause. For instance:

"This act shall be in full force and effect on and after January 1, 2015."

### Emergency Clause -- Required for Effective Dates Before July 1 — May include Retroactive Effective Date

An emergency clause is necessary any time the legislation is to be effective before July 1 of the year of passage. An emergency clause can specify a date or can state that the legislation is effective upon signature of the Governor. If the legislation is to be effective retroactively, a phrase expressing the retroactive effective date must be added to the emergency clause.

### Tax Measures -- January 1 Effective Date

Many tax measures require a January 1 effective date (such as property tax measures because of the tax year), but this rule is not universal to all tax measures. Often, tax measures with a January 1 effective date are applied retroactively.

### Sunset Clause -- Required to Terminate a Statute on a Date Certain

If a law is to stop being effective on a specific date or event in the future, add a sunset clause to terminate the law upon the date or event you specify in the clause. For instance:

“This act shall be null, void and of no force and effect on and after January 1, 2015.”

**NOTE:** Some statutes have unique versions that become effective or sunset on specific dates. If you intend to amend these statutes, you must either repeal the appropriate version of the statute from Idaho Session Law or include mirror language of the appropriate Idaho Session Law, revising its effective or sunset date.

### *Severability Clause*

A severability clause (also called a separability clause or a savings clause) separates parts of a bill into distinct portions for purposes of legal interpretation. A severability clause provides that if any part of an act is declared invalid, the rest of the act remains in effect unless it cannot be made effective without the invalid part. Length doesn't increase meaning or effect. The following is the standard language for a severability clause:

“The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.”

### *Declaration of Legislative Intent or Purpose*

A declaration of legislative intent or purpose is usually an introductory section in a bill that recites the intent or purpose of the chapter or act. These sections are often defended on the basis that they help first-time readers understand the chapter or act,

give guidance to courts grappling with statutory construction issues and provide a public relations message.

The declarations are opposed on several grounds:

- The reader must study the substantive sections anyway to evaluate what the chapter or act is doing.
- The declarations are not complete -- qualifications and limitations in the law are provided in the substantive sections, not the declaration section. Therefore, courts must look to the substantive sections of the law rather than the declaration section.
- If a public relations message is wanted, the declaration section can be stricken as unnecessary when the bill moves close to final passage.

### ***Statutory Terms Defined***

**(Section 73-114, Idaho Code)**

Unless otherwise defined for purposes of a specific statute:

- Words used in these compiled laws in the present tense, include the future as well as the present;
- Words used in the masculine gender, include the feminine and neuter;
- The singular number includes the plural and the plural the singular;
- The word “person” includes a corporation as well as a natural person;
- Writing includes printing;
- Oath includes affirmation or declaration, and every mode of oral statement, under oath or affirmation, is embraced by the term “testify,” and every written one in the term “depose”;
- Signature or subscription includes mark, when the person cannot write, his name being written near it, and witnessed by a person who writes his own name as a witness.



The following words have, in the compiled laws, the signification attached to them in this section, unless otherwise apparent from the context:

- **“Intellectual disability”** means significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two (2) of the following skill areas: communication, self-care, home

living, social or interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health and safety. The onset of significantly subaverage general intelligence functioning and significant limitations in adaptive functioning must occur before age eighteen (18) years.

- **“Month”** means a calendar month, unless otherwise expressed.
- **“Personal property”** includes money, goods, chattels, things in action, evidences of debt and general intangibles as defined in the uniform commercial code -- secured transactions.
- **“Property”** includes both real and personal property.
- **“Real property”** is coextensive with lands, tenements and hereditaments, possessory rights and claims.
- **“Registered mail”** includes certified mail.
- **“State,”** when applied to the different parts of the United States, includes the District of Columbia and the territories; and the words **“United States”** may include the District and territories.
- **“Will”** includes codicils.
- **“Writ”** signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and the word “process,” a writ or summons issued in the course of judicial proceedings.

## **BILL INTRODUCTION DEADLINES**

A bill may be introduced by a member of the Legislature, a group of members of the Legislature or a standing committee.

### ***Personal Bill Deadlines* 20th Day in the House; 12th Day in the Senate**

Individual legislators may introduce bills and resolutions, but only until the 20th legislative day in the House and the 12th legislative day in the Senate. Personal bills are taken directly to the Chief Clerk of the House (if a House member) or the Secretary of the Senate (if a Senate member), who then assigns a bill number. The bill does not go through the committee process for introduction but will be assigned to a committee after printing. After these deadlines, only committees can introduce bills and resolutions.

### ***Committee Deadlines* 36th Day in House and Senate Unless Privileged**

After the 36th day in both houses bills may be introduced only by privileged committees. In the **House, the privileged committees are: State Affairs, Appropriations, Education, Revenue and Taxation, and Ways and Means.** In the **Senate, the privileged committees are: State Affairs, Finance, and Judiciary and Rules.** Other committees may be designated as privileged committees by the Speaker of the House

and the President Pro Tempore of the Senate. All joint resolutions must be introduced by the 36th day.

## **LEGISLATIVE PROCESS FOR LEGISLATION**

### ***First Reading***

The bill is read the first time and is then referred by the Speaker of the House to the Judiciary, Rules and Administration Committee for printing. After the bill is printed, it is reported printed and referred to a standing committee by the Speaker. A similar procedure is used in the Senate.

### ***Second Reading***

When a bill is reported out of committee, it is placed on the second reading calendar and is read again. The following legislative day, the bill is automatically on third reading unless other action has been taken.

### ***Third Reading***

The Clerk is required to read the entire bill section by section when it is on the Order of Business identified as the "Third Reading of Bills." It is normal procedure, however, for the members to dispense with this reading at length. At third reading the bill is ready for debate and the final vote. Each bill is sponsored by a member who is known as the "floor sponsor" and who opens and closes debate in favor of the bill. After debate has closed, the vote is taken. A bill is passed by a majority of those present.

If a bill fails to pass, it is filed in the Office of the Chief Clerk, if it is a House Bill; it is filed in the Office of the Secretary of the Senate, if it is a Senate Bill. If the bill is passed, it is transmitted to the other house where it goes through a similar process.

### ***Final Voting***

The members of the House of Representatives vote through electric scoreboards at the sides of the chamber. The votes are automatically counted. The presiding officer announces the vote after the machine has recorded the votes. In the Senate, voting is done by voice roll call vote and recorded on a tally sheet by the Secretary of the Senate. The presiding officer then announces the vote.

A majority vote in the House and the Senate is 51% of the members present at the time of the vote. There is an exception to this rule which applies in certain issues when a two-thirds majority is required.

### ***Senate Action on House Bills***

After the final action by the Senate on a House bill, it is returned to the House with a message explaining the Senate's action. The message is read to the House. If the bill passed the Senate without amendment, it is enrolled by the House Judiciary, Rules and Administration Committee, signed by the Speaker of the House of Representatives and the President of the Senate and transmitted to the Governor for his action.

### ***Committee of the Whole***

When a printed bill is to be amended, it is referred to the Committee of the Whole for amendment. At the proper Order of Business, the House resolves itself into the Committee of the Whole House and the entire membership sits as one committee to consider changes to both House and Senate bills. **House Rules 47 through 50** govern Committees of the Whole in the House. **Senate Rule 22** is the primary rule governing the Committee of the Whole in the Senate.

When a House bill has been amended by the Committee of the Whole, and the amendment is accepted by the House, it is referred to the Judiciary and Rules Committee for engrossing. Amendments are inserted into the bill and the engrossed bill is then placed back on the calendar to be considered as a new bill. A bill can only be engrossed by the house of origin.

### ***Governor's Action***

After receiving a bill passed by both the House and Senate, the Governor may:

- Approve the bill within 5 days after receiving it (except Sundays), or within 10 days of presentment after the Legislature adjourns sine die at the end of the session.
- Allow the bill to become law without his approval by not signing it within the 5 days allowed or within 10 days of presentment after the Legislature adjourns sine die.
- Disapprove (veto) the bill within 5 days and return it to the house of origin giving his reason for disapproval, or within 10 days of presentment after the Legislature adjourns sine die. (**Section 10, Article IV, Idaho Constitution**)

### ***Legislature May Override Governor's Veto***

A bill may become law over the Governor's veto if both houses vote to override the veto by a two-thirds majority of the members present in each house. (**Section 10, Article IV, Idaho Constitution and Section 67-503, Idaho Code**)

When a bill is approved by the Governor or becomes law without his approval or over his veto, it is transmitted to the Secretary of State for assignment of a chapter number and inclusion in the Idaho Session Laws. Most bills become law on July 1, unless a bill contains an emergency clause or other specific date of enactment.

## **TECHNICAL ASPECTS OF BILL DRAFTING**

**Arrange** the amended or newly added code sections in numerical order. The exception to this rule is if the context of the bill requires the sections to be in a different order.

**Strike first** and underscore second. [Examples 1, 4](#) and [22](#).

**Save** as many words that already exist in code as possible. But, if making changes within a word, in most cases strike the entire word to be deleted and then underscore the new word. Only strike and underscore within a word if striking or adding a plural to the end of a word. Note the exception to this rule in [Example 22](#), Section 1, Line 28.

**Repeal -- When repealing a code section**, use the repealer clause:

“That Section 67-223, Idaho Code, be, and the same is hereby repealed.”

**Amend – When amending a code section**, set out the entire code section.

**Add -- When adding a new section**, set it out in its entirety. It does not need to be underscored. The new section clause is:

“That Chapter 1, Title 67, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-101, Idaho Code, and to read as follows:”



### **Remember:**

- **Alphabetize** all definitions
- **Number** subsections consistently, following the standard format  
(1) subsection (a) paragraph (i) subparagraph 1. (A) a. A.
- **No** bolding, no bullets, no multiple fonts

## **What are Technical Corrections?**

After your draft is uploaded to our computer system, the Research & Legislation proofers read the entire bill. When they encounter errors in existing law that are identified as technical errors (such as misspelled words and incorrect punctuation), the editors correct them and include reference to these “technical corrections” in the title of the bill. If you have any questions related to technical corrections added to your bill draft, please contact the editors at the Research and Legislation office.

## BILL DRAFTING CHECKLISTS

### Checklist for Bill Drafting – Structure

- ✓ Title
  - Includes all code sections amended, added and repealed within the bill
  - Ascending order for code sections
  - References all clauses within the bill
- ✓ Enacting clause (double check wording)
- ✓ Current version of code sections
- ✓ Code section placement
- ✓ Numbering of subsections, paragraphs, etc.
- ✓ Material to be deleted -- Strike-through
- ✓ New material - Underscore
- ✓ Catchlines -- Informative but short
- ✓ Definitions -- Alphabetical order
- ✓ Special constitutional and statutory provisions
- ✓ Penalty provisions
- ✓ Severability clause
- ✓ Emergency clause
- ✓ Effective date
  - Default is July 1
  - Other date as specified
  - Retroactive to January 1 for tax provisions based on calendar years (*all retro effective dates require emergency clause*)
- ✓ Sunset Clause

## Checklist for Bill Drafting -- Content

- ✓ Is the title short, yet clearly expressive of the subject matter of the bill?
- ✓ Is the enacting clause expressed correctly?
- ✓ Are words used consistently with their definitions throughout the bill? Are words defined but never used in the bill?
- ✓ Is the bill written in a clear style and divided properly into sections and subsections?
- ✓ Are the substantive parts of the bill logically arranged?
- ✓ Does the bill accomplish its intended purposes?
- ✓ If the bill affects existing laws, are its provisions properly integrated with those laws so that no conflict will arise in interpretation or administration?
- ✓ Are all statutory references in the bill accurate?
- ✓ Are all conflicting statutes specifically repealed or revised?
- ✓ Does the bill need a different effective date than July 1? If yes, does the bill contain the necessary words for that effective date?

Based on "Legislative Bill Drafting" by Albert R. Menard, Jr. 26 Rocky Mountain Law Review, 368, 384 (1954).

## **STATEMENTS OF PURPOSE AND FISCAL NOTES**

Statements of purpose and fiscal notes are governed by **Joint Rule 18**.

Statement of Purpose and Fiscal Notes — General Provisions. — No bill shall be introduced in either house unless it shall have attached thereto a concise statement of purpose and fiscal note. The contact person for the statement of purpose and fiscal note shall be identified on the document. Statements of purpose and fiscal notes may be combined in the same statement.

Statement of Purpose. — (a) The statement of purpose applies only to a bill as introduced, and does not necessarily reflect any amendment to the bill that may be adopted. All statements of purpose shall be reviewed for compliance with this rule by the committee to which the bill is assigned, excepting that any review is subject to Joint Rule 18(e).

Fiscal Notes. — (b) The fiscal note applies only to a bill as introduced, and does not necessarily reflect any amendment to the bill that may be adopted. The fiscal note shall reasonably contain the proponent's full fiscal year projected increase or decrease in existing or future appropriations, and/or the increase or decrease in revenues by the state or unit(s) of local government. The bill's proponent bears the responsibility to provide a reasonably accurate fiscal note. If the fiscal note states there is no projected fiscal impact, then the fiscal note must contain a statement of the reasons that no fiscal impact is projected. All fiscal notes shall be reviewed for compliance with this rule by the committee to which the bill is assigned, excepting that any compliance review is subject to Joint Rule 18(e). A member of the committee may challenge the sufficiency of a fiscal note at any time prior to the committee's final action on the bill.

Drafting Guide for Statements of Purpose and Fiscal Notes is available at: <https://legislature.idaho.gov/resources/sopdraftingguide/>

## **STYLE GUIDE**

### **Bill Structure**

#### ***Begin Logically***

Provisions of a bill should be arranged in a logical order. Usually, when creating a new chapter, put definitions first (listed alphabetically) and basic provisions before special cases, such as exemptions, limitations, etc. If there are some “clean-up” code sections that need to be added, such as sections amended to provide corrected code citations, those sections may be added at the end of the bill so that the substantive portion of the bill is first.

#### ***Catchlines — Short but Informative***

Make catchlines short but informative. Catchlines are valuable to readers because they help readers find the material they need. A catchline for a section describing voting procedures is best when specific. That is, “voting procedures” is better than just “voting.” A catchline that gives a short substantive answer is better than one that just gives a clue. A catchline that says: “Notice required” is better than a catchline that just says “Notice.”

#### ***Numbering and Format within a Statute***

The digits to the left of the hyphen represent the title number. The digits to the right of the hyphen indicate the chapter and section number. The first section in each title is appropriately numbered 101: e.g., the first section in title 1 is 1-101; the first section in title 46 is numbered 46-101. An additional section proposed for the chapter should be given the next available section number. There are sometimes circumstances in which an additional section must be added between consecutive existing sections. If this happens, and there is no other logical place to insert the new section, capital letters may be used when designating the new section number, such as 46-101A., 46-101B., etc.

In a bill, statutes should be arranged in ascending order (e.g., 1-101, 1-102, 1-103). This makes finding a statute in a bill much easier. The exception to this rule is if the context of the bill requires the statutes to be in a different order.

#### ***Section, Subdivision and Paragraph Length***

Use short sections, subdivisions and paragraphs when possible. The more material you place in a single block, the harder it is for readers to find the particular provisions in which they are interested.

**1-101. Catchline.**

**(1) [subsection]**

**(a) [paragraph]**

**(i) [subparagraph]**

**1.**

**(A)**

**a.**

**A.**

## **Bill Language**

### *Active Voice/Passive Voice*

- As a rule, use active voice instead of passive.

**Avoid:** Rules are published in the Administrative Code by agencies

**Preferred:** Agencies publish rules in the Administrative Code

- Use the passive voice when putting old or repeated information at the beginning of the sentence where it demands less attention and new information at the end of the sentence where it stands out.
- Passive voice will also allow the placement of a long string of nouns at the end of a sentence so that the reader will not have to work through the series before coming to the verb.
- Sometimes passive voice will help avoid using “he” or “she.” When using the passive voice, be certain that the duty or permission is assigned clearly, either in the passive sentence or in one of the sentences nearby.

### *Capitalization*

Capitalization is used sparingly in Idaho statutes. The word “Idaho” and most proper names are capitalized. Use the lowercase “state” in the phrase “state of Idaho” and elsewhere.

✓ **Capitalize**

- the first word in a sentence and the first words in numbered clauses
- months and days of the week

- “Idaho Code,” “United States Code,” and “Internal Revenue Code”
- “Ada county,” “Snake river,” and “Pacific ocean”
- “American,” “Indian,” “English,” “Spanish,” “North America,” “United States,” and “Pacific Northwest”

✓ **Lowercase**

- “federal” and “legislature”
- names of acts, such as: “the social security act”
- official titles of state, county, and municipal officers
- agencies and institutions, such as: “governor,” “department of education,” “state tax commission,” and “internal revenue service”
- words that indicate geographic location, such as: “northern Idaho”

**Note:** Common rules of grammar apply for resolutions, memorials and proclamations.

For example, a reference in House Concurrent Resolution 100:

“Section 3, Article III, of the Constitution of the State of Idaho.”

The same reference in Section 1-101, Idaho Code:

“section 3, article III, of the constitution of the state of Idaho”

***Conditions and Exceptions in Statutes***

A common function of a statute is to set forth a proposition, subject to conditions and exceptions. The more conditions and exceptions that apply, the longer and more complex the statute becomes. Organize the statute so that the general proposition remains clear while conditions and exceptions are added to it, one after another, without needing to rewrite the whole statute each time.

If only one condition applies, the usual way to express it is to begin the sentence with an “if” or “when” clause: “If the person under arrest refuses to permit chemical testing, none may be given.” Use “if” or “when,” not the legalism “where.”

***Intrusive Phrases and Clauses***

Avoid interrupting any group of words that must be understood together. Most sentences in bills have verbs with more than one part: **shall + (verb)** or **may + (verb)**. Sometimes a word is placed between these parts, as in “the commissioner shall immediately order an investigation of a reported epidemic.” Longer divisions are difficult to read.

***Modifiers***

To avoid ambiguity the drafter must be careful to modify only the words intended to be modified. For example, “an unmarried student, parent or pregnant woman” is ambiguous since it is not clear what “unmarried” modifies. The drafter should either

write “a parent, a pregnant woman or an unmarried student” or “an unmarried person who is a student, parent or a pregnant woman,” depending upon the legislation's intent.

### *Noun Strings*

A string of four or five nouns is hard to read because it hides the relationships between words. You may need more words in order to make their relationships clear.

**Avoid:** electronic financial terminal authorization application

**Preferred:** application for the right to use an electronic financial terminal

### *Overdrafting*

Generally in drafting, being specific is better than being general. However, being specific does not mean naming every single thing you are forbidding or requiring.

### *Parallel Form*

When writing a series or list, keep similar ideas in similar, or parallel, form. Sentences with parallel structure are easier to read and remember.

### *Person*

- Using “we” and “you” is impractical in bills which have to deal with several different sets of people and their duties at once. Write in terms of “the commissioner,” “the department,” and
- Be sure that the terms you use, such as “commissioner” or “department,” are defined in the chapter in which you are using them.
- Use the singular, not the plural. By statute, in Idaho the singular includes the plural.

**Avoid:** All persons who....

**Preferred:** A person who....

### *Present Tense*

Use the present tense when writing a statute. A statute speaks as of the time that it is read, not merely as of the time it was enacted. Therefore, drafters must write statutes as they are to be read at the time of application. In addition, the present tense is easier to understand and presents more forceful admonitions. Further, declarative sentences are preferable to unnecessary, mandatory or imperative sentences.

**Avoid:**

A person who shall drive recklessly

It shall be unlawful

The term “person” shall mean

No person shall be entitled

**Preferred:**

A person who drives recklessly

It is unlawful

“Person” means

No person is entitled

***Provisos – EXCEPTIONS - LIMITATIONS***

- Provisos are phrases usually signaled by “provided that” or “provided however.” Provisos give drafters a tool for sticking afterthoughts onto the end of a sentence. However, they should be avoided. Instead, split the sentence with the proviso into two sentences.

**Avoid:** The board may revoke a supervised release if the supervised person fails to enter a program; provided however, that if no community program is available at the time of supervised release, the board may order the supervised person to enter the first available community program.

**Preferred:** The board may revoke supervised release if the supervised person fails to enter a program. If no community program is available at the time of supervised release, the board may order the supervised person to enter the first available community program.

- Use “except” for exceptions, not “provided that.”
- State the circumstance in which a rule is to apply before stating the rule itself.

***Punctuation***

Good drafting eliminates the need for excessive punctuation within a sentence. Courts often take note of punctuation to help determine the meaning of a law. Well-written sentences contain the least amount of punctuation necessary to convey clarity; however, when commas or semicolons are necessary, use them properly. For example, commas are often used to set off parenthetical clauses within a sentence. Style guides call this use nonessential, meaning the sentence still makes sense if the parenthetical element is omitted. Such nonessential clauses are preceded and followed by a comma.

**Commas** should be used sparingly but are appropriate:

- To separate the items in a series, as in “the governor, the director, the attorney general and the secretary of state . . . .” But note: The comma is omitted before the conjunction “and” or “or” within a series of words, phrases or clauses.
- To set off dates, as in “Beginning on July 1, 2002, the director shall . . . .”
- Before a conjunction if both clauses are a complete sentence.
- Before “except that” if what follows is a complete sentence.

### ***Sentences within Sentences***

Do not write lists in which sentences are attached to phrases or clauses. This makes punctuation difficult within the subsections. Each subsection which lists an item referring back to the sentence prior to the beginning of the list usually ends with a semicolon. If there are sentences contained within the subsection, the punctuation would have to be as follows in item (2):

Excluded stock. “Excluded stock” for a brother-sister controlled group means:

- (1) Stock ...;
- (2) Stock in a member corporation, but only in substantial limits are imposed on the employee’s right to dispose of the stock. A bona fide stock repurchase arrangement is not considered one of the limits to the employee’s right to dispose of stock;
- (3) Stock ... .

The best solution is to either turn your list of sentence phrases into a list of complete sentences or to reword the sentence prior to the list so that the list contains only phrases.

### ***Shall, Must and May***

“Shall” is properly used to indicate that something is mandatory and normally implies that to accomplish something someone must act. As to a public official, “shall” is used to impose a duty, direction or command unless the context indicates that the legislature wished discretion to be exercised. Use “shall” to prescribe a rule of conduct, but not to declare a legal result.

“Shall not” is used throughout the Idaho Code and it may be difficult to break that tradition. However, “shall not” means that a person does not have a duty to act. To say “no person shall” means that there is no one who has a duty to engage in the action. The proper way to prohibit an act is to say “may not” in connection with the action prohibited: “The board may not revoke a license without a hearing.” “May not” properly denies the board the authority to act in that situation.

## GUIDELINES FOR THE USE OF "SHALL" AND "MUST"

The easiest way to approach this word choice is to first try following the drafting manual regarding the use of "shall". If using the phrase "has a duty to" doesn't make sense (considering the exception for the use of the passive voice), then don't use "shall". "Must" is a possibility, but you should consider whether you really need to use an authority verb.

### Excerpt from Drafting Manual

If the words in quotes from the right-hand column below convey your intended meaning, then use the word or words from the left-hand column.

shall = a person "has a duty to" (*but see* paragraph (a) (I) (C) below regarding the passive voice)

must = a thing or person "is required to" meet a condition for a consequence to apply. "Must" does not mean that a person has a duty.

(a) (I) (C) In the passive voice. . . . If you use the passive voice (because the actors are unknown, unmistakable, or too numerous to list) and the context indicates a legislative intent that a person has a duty, use "shall", not "must", even though the subject of the sentence is a thing. . . .

### Step-by-step Analysis

1. Figure out whether the **subject** of your sentence is a **person** or a **thing** (remember that the statutory definition of "person", §2-4-401 (8), C.R.S., includes entities).
2. Figure out whether there is or should be a **duty** or only a **condition**.
  - a. Things can't have duties, only people can.
  - b. A duty is something that a court will enforce, for instance, by applying a penalty or entering an injunction.
  - c. A condition is simply a prerequisite for a consequence to apply. A court will not apply a penalty or enter an injunction to require a person or thing to meet the condition, but may determine that a consequence does or doesn't apply.
3. If the subject is a person and:
  - a. There is a duty, use "shall".
  - b. There is not a duty, use "must" or another present-tense verb. Think outside the box: is this even an authority verb issue? Can I express this better with another present-tense verb?
4. If the subject is a thing:
  - a. First, figure out whether your sentence is **active** or **passive** voice (try to use active voice).
  - b. In the active voice, "shall" is not an option because a thing can't have a duty. Use "must" or another present-tense verb.
  - c. In the passive voice, if the **object** of the sentence is a person who has a duty, use "shall".

Person		Thing		Voice
Is There a Duty?		Is There a Duty?		
No	Yes	No	Yes	
Don't use "shall" Maybe use "must"	Use "shall"	Don't use "shall" Maybe use "must"	Use "shall"	Passive
			(Can't be a duty) Don't use "shall" Maybe use "must"	Active

Note: *GUIDELINES FOR THE USE OF "SHALL" AND "MUST"* (see next page) is a product of [NCSL.org](http://NCSL.org)

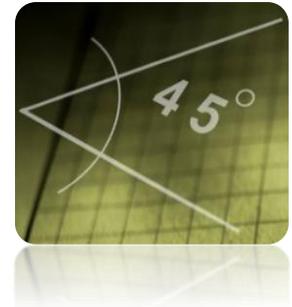
### **Short Sentences**

Keep sentences short. Sentences in statutes are often long, and grow longer every time they are amended. The longer the sentence, the more likely it is that the reader will have to ask: What parts go together? What does this modifier modify?

### **Numbers**

#### **The Repeat Rule**

- In bill titles, numbers are simply spelled out
- Within the body of a bill, numbers are spelled out and repeated in parentheses
  - Five hundred (500) animals
  - Ten percent (10%)



#### **Exceptions** to the “repeat” rule:

- When “one” functions in an impersonal manner or when phrasing provides full clarity of use:
  - *“that no one shall be authorized”*
  - *“from one district to another”*
- When “one” is tied to hyphenated words
  - *“one-time deal,” “one-star general,” “one-sided negotiation”*

#### **\$\$\$**

- Use decimals with dollar amounts under \$100
  - Three dollars and fifty cents (\$3.50)
- For amounts under a dollar - Fifty-seven cents (57¢)

#### **\$\$ SPECIAL NOTE:** Omit the spoken “and” when expressing large amounts

- Three thousand three hundred twenty (3,320)

## Word Use Guide

### Avoid:

and/or  
any and all  
contiguous to  
deem  
establish a contractual relationship with  
for the duration of  
for the purpose of  
give consideration to  
has the authority to  
if any person shall violate  
if it shall appear that  
in accordance with  
in the event that  
in the preceding section  
in lieu of  
is applicable  
is authorized and directed to  
it shall be unlawful to  
make application  
make provision  
prior to  
provide assistance to

### Preferred:

a or b, or both,  
all  
next to  
consider  
contract with  
during  
to  
consider  
may  
a person who violates  
if it appears  
under  
if  
in section (insert number)  
instead of [or] in place of  
applies  
shall  
it is unlawful  
apply  
provide  
before  
assist

set forth	state
subsequent to	after
the same is hereby	is
under the provisions of	under
upon	on
with reference to	about
when, wherein, in which	if

**Steer clear of** ➡ ➡ ➡ *aforementioned, forthwith, herein, hereinafter*

### Use

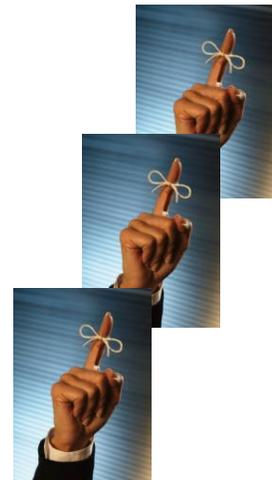
- Necessary and understandable words
- Present tense and the active voice
- Words consistently

### Keep

- Sentences brief and limit them to a single thought
- New statutory sections as short as possible

### Avoid

- Unnecessary legalese or redundant legal phrases
- Slang and acronyms
- “Should” or “can”



## The Tricky Ones



### **“And” “Or” Avoid “and/or”**

- “And is conjunctive and means that the items are to be taken together.
- “Or” is disjunctive and means that one is to be chosen from the list.
- Avoid using “and/or.” Decide whether you mean “and” or “or” and use the proper word, or recast the statement like a penalty provision (...or..., or both).

### **“Chapter” and “Act”**

Often references are made in the Idaho Code to “this act” or “this chapter.” The references are appropriate when referring to the general authority or purpose of a group of statutes combined by subject or numerical designation. However, the terms must be used carefully.

- “Act” refers to the original act and its original effective date. Therefore, the term does not necessarily include amendments made after the original effective date.
- “Chapter” refers to all the statutes in the chapter, including amendments made after the original effective date of the act that created the chapter. Use “chapter” rather than “act” unless the reference should clearly be “act.”

### **“Fund,” “Funds” and “Moneys”**

- “Funds” is roughly synonymous with “accounts.”
- Use “funds” if referring to assets that are set apart for a specific objective or on deposit and from which checks or drafts can be drawn.
- Use “moneys” if referring to cash or sums of money. For example:
  - *The legislature appropriates **moneys** from the state general fund to state agencies.*

### **“Provision” (Referring to Part of a Statute)**

When referring to a chapter, statute or another subsection of the same statute, it is not necessary to say “the provisions of chapter 22, title 36, Idaho Code, do not apply,” “the provisions of section 36-2903, Idaho Code, do not apply” or “the provisions of subsection (2) of this section do not apply.” Instead, simply say “chapter 22, title 36, Idaho Code, does not apply,” “section 36-2346, Idaho Code, does not apply” or “subsection (2) of this section does not apply.” The exception to this rule is if the reference is to a specific, identified provision of a statute or subsection, such as: “the provisions of subsection (2) of this section regarding notice do not apply.”

### ***“Such” or “Said”***     **Avoid use**

“Such” and “said” are archaic, awkward and often cause confusion. As substitutes, use words such as “that,” “the,” “these,” “those,” “them” and “it.” For example:

- *The fines shall be paid to **the** assessor.*

### ***“Therefore” and “Therefor”***     **Avoid use**

- “Therefore” (adv) means consequently or hence.
- “Therefor” (adv) means in place of, in return for or because of.

### ***“Through”***

The word “through” means to and including, when used in reference to a series of three or more statute sections, subsections, paragraphs or items.

### ***“Which” and “That”***

The “which” clause allows for additional or supplemental information (**not vital**)

- *A fence, which may be a legal fence according to s. 90.02, must be built within thirty (30) days.*

The meaning of the sentence is not complete without the “that” clause (**vital**)

- *A fence that conforms to s.90.02 is a legal fence.*

## **Words in Depth**

### ***Acronyms***

- Avoid using acronyms as a substitute for an official name. Use an acronym only when it is a second reference and the abbreviation has been defined earlier.

### ***Time Abbreviations***

**Avoid:** One o'clock a.m. **or** 1:00 o'clock a.m.

**Preferred Style:** 1:00 a.m.



### ***Legal Land Descriptions***



- Names of the compass points should remain exactly as they are in the legal or agency instrument the drafter is working from.

***Familiar Words***

Use speaking vocabulary as much as you can without being slangy.

<b><u>Avoid:</u></b>	<b><u>Preferred:</u></b>
consequence	result
effect (as a verb)	make, carry out, do
in accordance with	according to [or] pursuant to [or] under
promulgate	make, adopt
utilize	use

***Gender-Neutral Language***

Avoid using gender specific words. The Idaho Code provides that the masculine includes the feminine. If you must use a gender specific word, use the masculine unless the context requires using “she. “

***Jargon***

Jargon means either meaningless language or the useful technical vocabulary of a trade or profession. Whenever possible, use the words that ordinary people know.

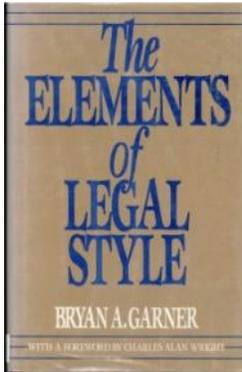
***References/Citations***

<b>Idaho Code section:</b>	section 67-2501, Idaho Code,
<b>subdivision within same code section:</b>	subsection (3) of this section
<b>subdivision in another code section:</b>	section 67-2132(1), Idaho Code
<b>Idaho Code chapter/title:</b>	chapter 3, title 9, Idaho Code,
<b>Idaho Constitution:</b>	section 3, article VIII, of the constitution of the state of Idaho
<b>Session Laws:</b>	section 1, chapter 321, Laws of 2002
<b>United States Code:</b>	26 U.S.C. 4237
<b>Code of Federal Regulations:</b>	26 CFR 2371
<b>Public Law</b>	Public Law [or “P.L.”] 89-110

### ***Synonyms and Consistent Terms***

Avoid synonyms. Throughout a bill, use one term consistently to mean one thing. To keep from varying your terms, choose one of the terms available and use it consistently.

### ***Reference Resources***

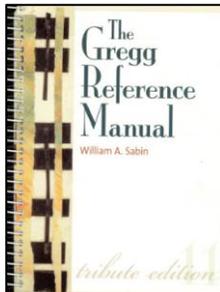


***The Elements of Legal Style***, Bryan A. Garner

***Garner's Dictionary of Legal Usage***, Bryan A. Garner

***Plain English for Lawyers***, Richard C. Wydick

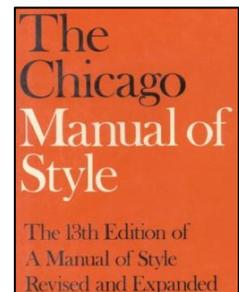
### ***Grammar Guides***



***The Chicago Manual of Style***, University of Chicago Press Staff

***The Gregg Reference Manual***, William A. Sabin

***Words into Type***, Marjorie E. Skillin, Robert Malcolm Gray



## **GLOSSARY**

***Act:*** A bill which has been approved or “enacted” by both houses of the Legislature and has become a law, with or without the governor’s signature. After the Legislature adjourns each year, the acts are published in the Idaho Session Laws and the Idaho Code.

***Amendment:*** A formal change by modification, deletion or addition.

- A change to an Idaho Code section is an amendment to the section. The changes are shown by underlining language to be added to the code section and/or striking through language to be deleted from the code section.
- A change to a bill that has been introduced is also an amendment. Once a bill has been introduced it can only be changed by formal amendment, a process requiring action on the floor of the House or Senate.

***Bill:*** A proposal created for the enactment of a new law, the amendment or repeal of a law already in existence, or the appropriation of public money. There is no other vehicle for the enactment of an Idaho law by the Legislature. [Example 1.](#)

***Catchline:*** The caption at the beginning of each section of the Idaho Code.

***Effective Date:*** The date on which a law becomes effective. Unless the law specifically provides a date, all laws in Idaho become effective on July 1 of the year in which they were passed by the Legislature and approved by the Governor. If a law is to become effective prior to July 1, an emergency clause is necessary.

***Enacting Clause:*** The enacting clause is the first clause in a bill and it is required by the Idaho Constitution. Each bill must begin with the following phrase: “Be it Enacted by the Legislature of the State of Idaho:” ***A bill without an enacting clause is fatally flawed.***

***Engrossed Bill:*** When a bill has been amended, it is engrossed by incorporating the changes specified in the amendment into the bill. A bill can only be engrossed in the house in which it was introduced. If a bill is amended in the house which did not introduce the bill, it is not engrossed until the house which introduced the bill concurs in the amendments.

***Idaho Code:*** Approximately 23 volumes in length, the Idaho Code presents all the laws of the state of Idaho. These volumes are updated with pocket supplements, published annually in late June to reflect all recently passed legislation.

**Memorial:** Usually addressed to the President, the Congress, or some official or department of the federal government, a memorial requests an action that is within the jurisdiction of the official or body addressed. Essentially, a memorial is acted upon in the same manner as a bill and must be passed by both houses. It is not signed by the Governor. [Examples 23](#) and [24](#)

**Mini Data:** A concise numerical listing of all House and Senate bills, memorials and resolutions introduced by the Legislature. Mini Data brochures are distributed to legislators Monday through Friday during session and can be accessed online at the State Legislature website. Information contained in Mini Data includes the bill number, a very brief description of the subject matter and the last action on the legislation.

**Proclamation:** Conveys a vote of thanks, recognition of service or honor for a special achievement or accomplishment, sorrow over death, or establishment of a celebration. It is adopted by both houses. [Example 25](#)

### **Resolutions:**

**Concurrent Resolution:** Expresses principles and opinions of the Legislature. Some of the purposes for the use of a concurrent resolution are: authorization of interim studies and legislative committees; adoption of printing contracts; adoption of policies for legislative and state employee pay; rejection or approval of rules of state agencies; amendment of joint legislative rules; and issuance of instructions to a department of state government. Essentially a concurrent resolution is acted upon in the same manner as a bill. It is not signed by the Governor. [Examples 18](#) , [19](#), [20](#) and [21](#)

**Joint Resolution:** Employed to ratify amendments to the U.S. Constitution and to propose amendments to the Idaho Constitution. A joint resolution requires the approval of a two-thirds majority of both houses. It does not have to be signed by the Governor. [Example 22](#)

**House Resolution or Senate Resolution:** Employed to address the affairs of one house only and requires action only by the house concerned. Some of the uses for a resolution are: to regulate of procedure in that house; to express an opinion or a request to the other house; to express a principle or opinion of the one house; and to express appreciation of the Legislature to companies, individuals, etc. [Examples 16](#) and [17](#)

**RS (Routing Slip):** Each piece of proposed legislation is assigned an RS number for tracking purposes. An RS is a piece of legislation that has been processed, proofread, and formatted by the Research and Legislation area of the Legislative Services Office. It is then delivered to its sponsor for presentation to a committee and formal introduction into the legislative process. An RS is not a public document until it has been assigned a

bill number by either the House or Senate and actually taken up for discussion in committee.

***Session Laws:*** The published compilation of bills, memorials and resolutions that have been passed and become law as a result of action by the current Legislature. Bills in Session Laws show striking and underscoring and are arranged in the order in which the bills were signed by the Governor; memorials and resolutions are arranged in numerical order.

***Severability Clause:*** When a law is contested on constitutional grounds, normally a specific section of the law is the problem. If that section of the law is held to be unconstitutional, the courts are faced with the determination of whether the Legislature intended the balance of the law to remain in effect when any provision of the law has been removed. The severability clause instructs the courts that the balance of the law is to remain in effect. If you wish to include a severability clause in your legislation, please indicate on your draft “severability clause.” This will alert this office to use the standard severability clause.

***SOP/FN (Statement of Purpose/Fiscal Note):*** A Statement of Purpose and Fiscal Note is required to be attached to each bill considered by the Legislature. The Statement of Purpose is a brief explanation of what a bill would do or what changes a bill would make to existing law. A Fiscal Note states the estimated amount of increase or decrease in revenues or expenditures that the bill will cause if passed. It states the financial impact on the General Fund, as well as the impact on local governments. Statements of Purpose are not prepared by the Legislative Services Office. The SOP/FN is the responsibility of the sponsor of the legislation. A drafting guide is available at:

<https://legislature.idaho.gov/resources/sopdraftingguide/>

***Title:*** A title is the initial portion of a bill printed in capital letters, which provides a description of the contents of the bill. Each code section added, repealed or amended in the bill must be mentioned in the title, with a brief description of the change proposed in that code section.

***Weekly Bill Status (WBS):*** The WBS is a published listing of all House and Senate bills, memorials and resolutions introduced by the Legislature. Each measure is listed numerically by bill number and contains a brief description of the subject matter with a report of all actions on the measure. A subject index is included in the publication. The WBS is updated on Fridays evenings and posted to the State Legislature website. A final edition is published three or four weeks after the Legislature has adjourned sine die.

## EXAMPLES

### Bills

#### Example 1 - Amending a statute with emergency clause

HOUSE BILL NO. 551

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO TRAFFIC ACCIDENTS AND MEMORIALS; AMENDING SECTION 49-1316, IDAHO  
2 CODE, TO CLARIFY THAT MEMORIALS ARE RESTRICTED TO PERSONS KILLED IN TRAF-  
3 FIC ACCIDENTS ON STATE HIGHWAYS AND THAT PLACEMENT OF MEMORIALS IS  
4 RESTRICTED TO AREAS ADJACENT TO STATE HIGHWAYS; AND DECLARING AN EMER-  
5 GENCY.

6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 49-1316, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 49-1316. ERECTION OF MEMORIALS TO PERSONS KILLED IN TRAFFIC ACCIDENTS. As  
11 a means of promoting safety upon the highways of ~~this~~ the state highway  
12 system, the transportation department, the state police and other law enforce-  
13 ment officers shall permit relatives or friends of a person killed in a traf-  
14 fic accident upon a state highway of the state, with the consent of the next  
15 of kin of the deceased, to erect a traffic accident memorial in memory of the  
16 decedent. The traffic accident memorial shall be erected adjacent to the por-  
17 tion of the state highway where the accident occurred so that the traffic  
18 accident memorial serves as a reminder that a fatality occurred on that  
19 stretch of state highway and that public safety will thereby be enhanced. The  
20 transportation department shall promulgate rules to implement the provisions  
21 of this section, to provide size limitations the traffic accident memorial  
22 must conform to and to retain jurisdiction over areas adjacent to state high-  
23 ways where traffic accident memorials are placed.

24 SECTION 2. An emergency existing therefor, which emergency is hereby  
25 declared to exist, this act shall be in full force and effect on and after its  
26 passage and approval.

**Title**

**Enacting Clause**

**Preamble**

**Effective Date**

- Note the striking and underscoring on line 11

**Example 2** - Adding a statute with effective date clause

SENATE BILL NO. 1408

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

1 AN ACT  
2 RELATING TO INSURANCE CONTRACTS; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY  
3 THE ADDITION OF A NEW SECTION 41-1843, IDAHO CODE, TO PROVIDE THAT NO  
4 INSURER REGULATED PURSUANT TO TITLE 41, IDAHO CODE, SHALL CHARGE A HIGHER  
5 PREMIUM THAN WOULD OTHERWISE BE CHARGED, OR CANCEL, NONRENEW OR DECLINE TO  
6 ISSUE A PROPERTY OR CASUALTY POLICY OR COVERAGE BASED PRIMARILY UPON AN  
7 INDIVIDUAL'S CREDIT RATING OR CREDIT HISTORY, TO DEFINE "BASED PRIMARILY"  
8 AND TO LIMIT APPLICATION TO ONLY PROPERTY OR CASUALTY INSURANCE TO BE USED  
9 PRIMARILY FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES; AND PROVIDING AN  
10 EFFECTIVE DATE.

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Chapter 18, Title 41, Idaho Code, be, and the same is  
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
14 ignated as Section 41-1843, Idaho Code, and to read as follows:

15 41-1843. INSURANCE RATES AND CREDIT RATING. (1) No insurer regulated pur-  
16 suant to this title shall charge a higher premium than would otherwise be  
17 charged, or cancel, nonrenew or decline to issue a property or casualty policy  
18 or coverage based primarily upon an individual's credit rating or credit his-  
19 tory.

20 (2) As used in this section, "based primarily" means that the weight  
21 given by the insurer to an individual's credit rating or credit history  
22 exceeds the weight given by the insurer to all other criteria considered in  
23 making the decision to charge a higher premium or to cancel, nonrenew or  
24 decline to issue an insurance policy.

25 (3) This section shall apply only to property or casualty insurance, as  
26 defined in chapter 5, title 41, Idaho Code, to be used primarily for personal,  
27 family or household purposes.

28 SECTION 2. This act shall be in full force and effect on and after Janu-  
29 ary 1, 2003.

- Note the simple effective date clause in Section 2



**Example 4 – Repealing, adding and amending statutes**

HOUSE BILL NO. 580

BY LOCAL GOVERNMENT COMMITTEE

1 AN ACT  
2 RELATING TO ANIMALS ON OPEN RANGE; REPEALING SECTION 25-2118, IDAHO CODE;  
3 AMENDING CHAPTER 21, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SEC-  
4 TION 25-2118, IDAHO CODE, TO GOVERN ANIMALS RUNNING AT LARGE ON STATE  
5 HIGHWAYS, TO PROVIDE FOR PERMITS AND TO PROVIDE THAT THERE IS NO PRESUMP-  
6 TION OF NEGLIGENCE; AND AMENDING SECTION 25-2119, IDAHO CODE, TO GOVERN  
7 ANIMALS ON OPEN RANGE AND TO DEFINE A TERM.

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 25-2118, Idaho Code, be, and the same is hereby  
10 repealed.

11 SECTION 2. That Chapter 21, Title 25, Idaho Code, be, and the same is  
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
13 ignated as Section 25-2118, Idaho Code, and to read as follows:

14 25-2118. ANIMALS RUNNING AT LARGE ON STATE HIGHWAYS. (1) Persons owning,  
15 or controlling the possession of, any domestic animal shall not allow such  
16 animal(s) to run at large, be pastured, staked, or tethered upon any state  
17 highway. "State highway" has the meaning specified in section 40-120, Idaho  
18 Code.

19 (2) Upon application by an owner or person in charge of livestock, the  
20 department of transportation or duly authorized local representative may issue  
21 written permits, only for daylight hours, on such terms as the department  
22 finds proper, authorizing the owner or person in charge of livestock to make a  
23 single trip across or within the boundaries of a right-of-way for a highway.

24 (3) In a civil action brought by the owner, operator or occupant of a  
25 motor vehicle, or by their personal assignees, or by the owner of the live-  
26 stock, for damages caused by collision with any domestic animal or animals on

27 a highway, there is no presumption of negligence, either on the part of the  
28 owner, operator or occupant of the motor vehicle, or on the part of the live-  
29 stock owner, possessor or controller.

30 SECTION 3. That Section 25-2119, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32 25-2119. ~~OWNER OR POSSESSOR OF ANIMALS NOT LIABLE FOR ANIMAL ON HIGHWAY~~  
33 ON OPEN RANGE. No person owning, or controlling the possession of, any domes-  
34 tic animal ~~lawfully on any highway, shall be deemed guilty of negligence by~~  
35 ~~reason thereof~~ shall be liable for damage to any vehicle or for injury to any  
36 person riding therein, caused by a collision between the vehicle and the ani-  
37 mal on open range territory. "Open range" means all unenclosed lands, not  
38 including state highways, outside of cities, towns and herd districts, upon  
39 which livestock is permitted to graze or roam.

- Note the striking and underscoring starting on line 32
- Save as many words from the Idaho Code as possible

## Unique Effective Date Clauses

### **Example 5** – Multiple Effective Dates

SENATE BILL NO. 1361

BY TRANSPORTATION COMMITTEE

1 AN ACT  
2 RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402,  
3 IDAHO CODE, TO PROVIDE A CORRECT REFERENCE; AMENDING SECTION 49-402C,  
4 IDAHO CODE, TO PROVIDE FOR THE DISCONTINUANCE OF SPECIFIED SPECIAL LICENSE  
5 PLATE PROGRAMS IN ACCORDANCE WITH SPECIFIED CONDITIONS; AMENDING CHAPTER  
6 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-420C, IDAHO  
7 CODE, TO ESTABLISH A PEACE OFFICER MEMORIAL LICENSE PLATE PROGRAM; AND  
8 PROVIDING EFFECTIVE DATES.

23 SECTION 4. Section 2 of this act shall be in full force and effect on and  
24 after July 1, 2002; and Sections 1 and 3 of this act shall be in full force  
25 and effect on and after January 1, 2003.

- See Example 2 for a Simple Effective Date

### **Example 6** – Multiple Effective Dates

SENATE BILL NO. 1418

BY HEALTH AND WELFARE COMMITTEE

1 AN ACT  
2 RELATING TO THE PRACTICE OF MASSAGE THERAPY; AMENDING TITLE 54, IDAHO CODE, BY  
3 THE ADDITION OF A NEW CHAPTER 49, TITLE 54, IDAHO CODE, TO GOVERN THE  
4 PRACTICE OF MASSAGE THERAPY IN IDAHO, PROVIDING A STATEMENT OF PURPOSE,  
5 DEFINING TERMS, SPECIFYING EXEMPTIONS FROM THE CHAPTER, SPECIFYING PROHI-  
6 BITIONS, PROVIDING FOR REFERRAL, DEFINING CONDITIONS WHEN A LICENSE IS  
7 REQUIRED, CREATING A BOARD OF MASSAGE THERAPY, PROVIDING THE POWERS AND  
8 DUTIES OF THE BOARD, PROVIDING FOR FEES, PROVIDING REQUIREMENTS FOR ISSU-  
9 ANCE OF A LICENSE, PROVIDING FOR LICENSURE BY ENDORSEMENT, PROVIDING FOR  
10 LICENSE RENEWAL, PROVIDING FOR REINSTATEMENT OF LICENSE, PROVIDING FOR THE  
11 LICENSING OF EXISTING PRACTITIONERS, PROVIDING FOR CERTIFICATES OF GOOD  
12 STANDING FOR COURSES OF INSTRUCTION, PROVIDING FOR DISCIPLINARY ACTION,  
13 PROVIDING FOR CONTESTED CASES, PROVIDING FOR ENFORCEMENT AND PENALTIES,  
14 ADDRESSING THIRD PARTY REIMBURSEMENT; AND PROVIDING AN EFFECTIVE DATE AND  
15 DELAYED IMPLEMENTATION.

40 SECTION 2. The provisions of this act shall be in full force and effect  
41 on and after July 1, 2002, except that the provisions of Sections 54-4906,  
42 54-4914 and 54-4917, Idaho Code, shall not take effect until January 1, 2003.

**Example 7 – Multiple Effective Dates with Retroactive Effective Date**

HOUSE BILL NO. 645, As Amended

BY REVENUE AND TAXATION COMMITTEE

1 AN ACT  
2 RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-301A, IDAHO CODE, TO  
3 PROVIDE THAT CERTAIN ADDITIONAL INFORMATION SHALL BE SHOWN ON THE NEW  
4 CONSTRUCTION ROLL, TO PROVIDE THAT THE VALUE SHOWN ON THE NEW CONSTRUC-  
5 TION ROLL SHALL INCLUDE CERTAIN TAXABLE MARKET VALUE INCREASES, TO  
6 PROVIDE NEW CONSTRUCTION PREVIOUSLY ALLOWABLE BUT NOT INCLUDED ON A NEW  
7 CONSTRUCTION ROLL SHALL BE INCLUDED ON THE ROLL AND TO PROVIDE FOR THE  
8 VALUE TO BE REFLECTED; AMENDING SECTION 63-802, IDAHO CODE, TO REVISE  
9 HOW THE THREE PERCENT INCREASE IN PROPERTY TAX BUDGETS IS CALCULATED;  
10 AMENDING SECTION 63-802, IDAHO CODE, AS AMENDED BY SECTION 142, CHAPTER  
11 341, LAWS OF 2009, TO REVISE HOW THE THREE PERCENT INCREASE IN PROPERTY  
12 TAX BUDGETS IS CALCULATED; DECLARING AN EMERGENCY, PROVIDING RETROAC-  
13 TIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

40 SECTION 4. An emergency existing therefor, which emergency is hereby  
41 declared to exist, Sections 1 and 2 of this act shall be in full force and ef-  
42 fect on and after passage and approval, and retroactively to January 1, 2010.  
43 Section 3 of this act shall be in full force and effect on and after January 1,  
44 2011.

**Example 8 – Effective Date with Contingencies**

HOUSE BILL NO. 256, As Amended

BY ENVIRONMENTAL AFFAIRS COMMITTEE

1 AN ACT  
2 RELATING TO WATER QUALITY; AMENDING SECTION 39-3613, IDAHO CODE, TO STRIKE  
3 PROVISIONS ESTABLISHING THE COEUR D'ALENE RIVER COMMISSION; AMENDING TITLE  
4 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 81, TITLE 39, IDAHO CODE,  
5 TO ESTABLISH THE BASIN ENVIRONMENTAL IMPROVEMENT ACT, TO PROVIDE A SHORT  
6 TITLE, TO EXPRESS THE POLICY OF THE STATE, TO PROVIDE DEFINITIONS, TO PRO-  
7 VIDE FOR ESTABLISHMENT OF AGREEMENTS OR COMPACTS FOR PARTICIPATION IN THE  
8 BASIN PROJECT, TO PROVIDE THAT THE GOVERNOR SHALL REQUEST RECIPROCAL LEG-  
9 ISLATION, TO PROVIDE FOR CREATION OF THE BASIN PROJECT AND TO PROVIDE FOR  
10 ESTABLISHMENT OF A BOARD OF COMMISSIONERS, COMPOSITION OF THE BOARD AND  
11 POWERS AND DUTIES, TO PROVIDE FOR ESTABLISHMENT OF A BASIN FUND AND  
12 FINANCING AUTHORITY AND ITS ADMINISTRATORS AND AUTHORITIES, TO PROVIDE  
13 THAT THE FINANCING AUTHORITY MAY ISSUE NOTES AND BONDS, TO PROVIDE THAT  
14 THE STATE WILL NOT IMPAIR VESTED RIGHTS CREATED BY NOTES AND BONDS, TO  
15 LIMIT LIABILITY AND PROVIDE THAT NOTES AND BONDS ARE NOT A DEBT OF THE  
16 STATE, TO PROVIDE THAT THE STATE MAY MAKE GRANTS TO THE FINANCING AUTHOR-  
17 ITY, TO PROVIDE THAT NOTES AND BONDS OF THE FINANCING AUTHORITY ARE LEGAL  
18 INVESTMENTS, TO PROVIDE THAT NOTES AND BONDS OF THE FINANCING AUTHORITY  
19 ARE TAX EXEMPT, TO PROVIDE THAT THE CHAPTER IS SUPPLEMENTAL AND IS NOT A  
20 LIMITATION ON POWERS AND TO PROVIDE THAT THE CHAPTER PREVAILS IF OTHER  
21 LAWS ARE INCONSISTENT; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
22 DATE FOR SECTION 1 OF THIS ACT UPON CERTAIN CIRCUMSTANCES OCCURRING.

37 SECTION 3. An emergency existing therefor, which emergency is hereby  
38 declared to exist, this act shall be in full force and effect on and after its  
39 passage and approval, provided however that Section 1 of this act shall become  
40 effective only upon the execution of the order pursuant to Section 39-8106,  
41 Idaho Code, and a filing of the order with the Governor and the Secretary of  
42 State.

**Example 9 – Effective Date with Contingencies**

HOUSE BILL NO. 658

BY HEALTH AND WELFARE COMMITTEE

1 AN ACT  
2 RELATING TO MEDICAID ELIGIBILITY; AMENDING TITLE 56, IDAHO CODE, BY THE ADDI-  
3 TION OF A NEW CHAPTER 12, TITLE 56, IDAHO CODE, TO ADOPT THE LONG-TERM  
4 CARE PARTNERSHIP PROGRAM, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO  
5 SPECIFY THE OPERATION OF THE PROGRAM AND ESTABLISH THE PROVISIONS OF ASSET  
6 DISREGARD, TO SPECIFY TERMS OF ELIGIBILITY, TO PROVIDE ADMINISTRATION, AND  
7 TO PROVIDE NOTICE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

40 SECTION 2. This act shall be in full force and effect sixty (60) days  
41 after the date of repeal of the restrictions to asset protection contained in  
42 the Omnibus Budget Reconciliation Act of 1993 (public law 103-66, 107 Stat.  
43 312).

**Example 10 – Emergency Clause with Retroactive Date**

HOUSE BILL NO. 679

BY REVENUE AND TAXATION COMMITTEE

1 AN ACT  
2 RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-602EE, IDAHO CODE, TO PRO-  
3 VIDE THAT MACHINERY AND EQUIPMENT USED IN THE PRODUCTION OF OR CARING FOR  
4 NURSERY STOCK IS EXEMPT FROM TAXATION; DECLARING AN EMERGENCY AND PROVID-  
5 ING RETROACTIVE APPLICATION.

23 SECTION 2. An emergency existing therefor, which emergency is hereby  
24 declared to exist, this act shall be in full force and effect on and after its  
25 passage and approval, and retroactively to January 1, 2002.

See [Example 1](#) for Simple Emergency Clause

**Example 11 – Sunset Clause**

SENATE BILL NO. 1319

BY HEALTH AND WELFARE COMMITTEE

1 AN ACT  
2 RELATING TO THE CREATION OF A TRAUMA REGISTRY; PROVIDING A STATEMENT OF PUR-  
3 POSE; AMENDING TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 20,  
4 TITLE 57, IDAHO CODE, TO PROVIDE A PURPOSE OF THE REGISTRY, TO DEFINE  
5 TERMS, TO PROVIDE ESTABLISHMENT OF A TRAUMA REGISTRY, TO REQUIRE PARTICI-  
6 PATION IN THE PROGRAM, TO PROVIDE CREATION OF A TRAUMA REGISTRY FUND AND  
7 THE PURPOSES OF THE FUND, TO PROVIDE CONFIDENTIALITY FOR CERTAIN RECORDS,  
8 AND TO LIMIT LIABILITY FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAP-  
9 TER; AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM  
10 PROVISIONS OF THE OPEN RECORDS LAW FOR TRAUMA REGISTRY DATA AND TO MAKE A  
11 TECHNICAL CORRECTION; PROVIDING AN EFFECTIVE DATE WITH AUTHORITY TO PRO-  
12 MULGATE RULES; AND PROVIDING FOR SUNSET OF THE PROVISIONS OF THIS CHAPTER.

8 SECTION 4. This act shall be in full force and effect on and after Janu-  
9 ary 1, 2003, provided that for purposes of promulgation of rules as provided  
10 in section 57-2003, Idaho Code, this act shall be in full force and effect on  
11 and after July 1, 2002.

12 SECTION 5. The provisions of this act shall be null, void and of no force  
13 and effect on and after January 1, 2008.

**Example 12 – Sunset Clause with Emergency Clause**

HOUSE BILL NO. 406, As Amended

BY REVENUE AND TAXATION COMMITTEE

1  
2 AN ACT  
3 RELATING TO A COUNTY SALES TAX; REPEALING CHAPTER 26, TITLE 63, IDAHO CODE;  
4 AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE  
5 63, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE AUTHORITY FOR  
6 A COUNTY SALES OR USE TAX, TO CREATE THE COUNTY PROPERTY TAX RELIEF FUND,  
7 TO PROVIDE GENERAL PROVISIONS FOR AN ORDINANCE ASSESSING THE TAX, TO PRO-  
8 VIDE FOR COLLECTION AND ADMINISTRATION OF LOCAL OPTION SALES OR USE TAXES  
9 BY THE STATE TAX COMMISSION AND TO PROVIDE FOR DISTRIBUTION; PROVIDING  
10 SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING A SUNSET CLAUSE.

31 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared  
32 to be severable and if any provision of this act or the application of such  
33 provision to any person or circumstance is declared invalid for any reason,  
34 such declaration shall not affect the validity of the remaining portions of  
35 this act.

36 SECTION 4. An emergency existing therefor, which emergency is hereby  
37 declared to exist, this act shall be in full force and effect on and after its  
38 passage and approval, and shall be null, void and of no force and effect on  
39 and after December 31, 2009.



**Example 14** – Effective Date with Application

SENATE BILL NO. 1477

BY STATE AFFAIRS COMMITTEE

1 AN ACT  
2 RELATING TO TELECOMMUNICATIONS SERVICE; AMENDING SECTION 56-904, IDAHO CODE,  
3 TO PROVIDE THAT CERTAIN SURCHARGES SHALL BE IMPOSED ONLY ON CUSTOMERS OF  
4 MOBILE WIRELESS CARRIERS WITH A PLACE OF PRIMARY USE IN IDAHO AND TO  
5 DEFINE "PLACE OF PRIMARY USE"; PROVIDING AN EFFECTIVE DATE AND PROVIDING  
6 APPLICATION.

39 SECTION 2. This act shall be in full force and effect on and after July  
40 1, 2002, and shall apply to bills issued after August 1, 2002.

**Example 15** – Effective Date with Application

SENATE BILL NO. 1371

BY RESOURCES AND ENVIRONMENT COMMITTEE

1 AN ACT  
2 RELATING TO THE FISH AND GAME COMMISSION; AMENDING SECTION 36-104, IDAHO CODE,  
3 TO STRIKE REFERENCE TO ACQUISITIONS BY CONDEMNATION AND TO PROVIDE A PRO-  
4 CEDURE FOR THE ACQUISITION OF TRACTS OF LAND OR INTERESTS IN TRACTS OF  
5 LAND IN COUNTIES WHERE FIFTY PERCENT OR MORE OF THE LAND LOCATED IN THE  
6 COUNTY IS ALREADY HELD IN PUBLIC OWNERSHIP; TO PROVIDE AN EFFECTIVE DATE  
7 AND TO PROVIDE FOR APPLICATION.

27 SECTION 2. This act shall be in full force and effect on and after July  
28 1, 2002; and the provisions of this act shall apply to all contracts entered  
29 into between the Fish and Game Commission and a seller of real property on and  
30 after July 1, 2002.





## Concurrent Resolutions

### Example 18 – Supporting the Efforts of the Governor

SENATE CONCURRENT RESOLUTION NO. 132

BY JUDICIARY AND RULES COMMITTEE

1                                   A CONCURRENT RESOLUTION  
2     STATING FINDINGS OF THE LEGISLATURE REGARDING THE STATE OF IDAHO'S INTERESTS  
3         IN THE CLEANUP PLAN FOR THE COEUR D'ALENE BASIN AND SUPPORTING EFFORTS OF  
4         THE EXECUTIVE BRANCH TO SECURE AND IMPLEMENT A FINAL PLAN THAT BUILDS THE  
5         LOCAL ECONOMY AND PROTECTS HUMAN HEALTH AND THE ENVIRONMENT.

6     Be It Resolved by the Legislature of the State of Idaho:

7             WHEREAS, the Legislature has reviewed the efforts of the Governor and the  
8     Idaho Department of Environmental Quality to provide input to the Environmen-  
9     tal Protection Agency's proposed plan to address heavy metal contamination in  
10    the Coeur d'Alene Basin; and

11            WHEREAS, the Environmental Protection Agency is taking comments on the  
12    proposed plan in advance of issuing a record of decision adopting a final  
13    plan; and

14            WHEREAS, it is in the interest of the state of Idaho to have an affordable  
15    and common sense plan that protects public health, restores environmental  
16    quality and invigorates a depressed economy in the Silver Valley; and

17            WHEREAS, it is in the interest of the state of Idaho to have a plan that  
18    brings certainty about the extent and duration of cleanup activity and is  
19    focused on initiating and concluding cost-effective work that demonstrably  
20    benefits human health and the environment; and

21            WHEREAS, the First Regular Session of the Fifty-sixth Idaho Legislature  
22    passed into law House Bill No. 256, As Amended, also know as the Basin Envi-  
23    ronmental Improvement Act, which provided for creation of the Coeur d'Alene  
24    Basin Environmental Improvement Commission to implement environmental  
25    remediation, natural resource restoration and related measures to address  
26    heavy metal contamination in the Coeur d'Alene Basin.

27            NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-  
28    sion of the Fifty-sixth Idaho Legislature, the Senate and the House of Repre-  
29    sentatives concurring therein, that we support the efforts and comments by the  
30    Governor and the Idaho Department of Environmental Quality to ensure that the  
31    Environmental Protection Agency's record of decision will provide certainty to  
32    the citizenry of the Coeur d'Alene Basin, will clearly identify both the areas  
33    and actual remediation work that is necessary and will be implemented through  
34    the Coeur d'Alene Basin Environmental Improvement Commission in a manner that  
35    builds the local economy and protects human health and the environment.

**Example 19 – Recognizing “Go Red for Women Day”**

SENATE CONCURRENT RESOLUTION NO. 118

BY STATE AFFAIRS COMMITTEE

1                                   A CONCURRENT RESOLUTION  
2    STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING FEBRUARY SIXTH AS "GO RED  
3    FOR WOMEN DAY."

4    Be It Resolved by the Legislature of the State of Idaho:

5           WHEREAS, cardiovascular diseases are the nation's leading cause of death,  
6    and stroke is the third leading cause of death;  
7           WHEREAS, cardiovascular diseases claim the lives of more than half a mil-  
8    lion American women each year;  
9           WHEREAS, each year 53.5% of women die from cardiovascular diseases as com-  
10   pared to 46.5% of men, and 40,000 more women than men have a stroke;  
11          WHEREAS, the cost of cardiovascular diseases and stroke in the United  
12   States is estimated at \$352 billion;  
13          WHEREAS, coronary heart disease rates in women after menopause are two to  
14   three times higher than those of women the same age before menopause;  
15          WHEREAS, 63% of women who die suddenly of coronary heart disease have no  
16   previous symptoms of this disease;

17          WHEREAS, February is designated as American Heart Month;  
18          WHEREAS, the American Heart Association is launching a new campaign,  
19   designed to raise women's awareness of the magnitude of cardiovascular dis-  
20   eases and to encourage women to make positive changes in their lives that  
21   could help reduce their risk of cardiovascular diseases and stroke;  
22          WHEREAS, this new campaign is known as the "Go Red for Women" campaign.  
23          NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-  
24   sion of the Fifty-seventh Idaho Legislature, the Senate and the House of Rep-  
25   resentatives concurring therein, that we join in designation of February 6 in  
26   recognition of the "Go Red for Women" campaign and urge all citizens to recog-  
27   nize the critical importance of knowing the risk factors and the warning signs  
28   of heart attack and stroke by wearing the color red to commemorate this day.  
29   By increasing awareness of both heart attack and stroke, we can save thousands  
30   of lives each year.

**Example 20 – Urging Amendment to the 10th Amendment of the U.S. Constitution**

HOUSE CONCURRENT RESOLUTION NO. 64

BY STATE AFFAIRS COMMITTEE

1                                   A CONCURRENT RESOLUTION  
2    STATING FINDINGS AND URGING CONGRESS TO INITIATE THE ARTICLE V AMENDMENT  
3                   PROCESS TO AMEND THE TENTH AMENDMENT AND INTERSTATE COMMERCE CLAUSE OF  
4                   THE UNITED STATES CONSTITUTION.

5    Be It Resolved by the Legislature of the State of Idaho:

6           WHEREAS, the Tenth Amendment to the Constitution of the United States  
7    reads as follows: "The powers not delegated to the United States by the Con-  
8    stitution, nor prohibited by it to the States, are reserved to the States re-  
9    spectively, or to the people."; and

10          WHEREAS, the Tenth Amendment to the Constitution defines the total  
11    scope of federal power as being that specifically granted by the Constitu-  
12    tion of the United States and no more; and

13          WHEREAS, the scope of the power defined by the Tenth Amendment means  
14    that the federal government was created by the states specifically to be an  
15    agent of the states; and

16          WHEREAS, today, in 2010, the states are demonstrably treated as agents  
17    of the federal government; and

18          WHEREAS, many powers assumed by the federal government and federal man-  
19    dates are directly in violation of the Tenth Amendment to the Constitution of  
20    the United States; and

21          WHEREAS, the Interstate Commerce Clause to the Constitution of the  
22    United States provides that Congress shall have the power: "To regulate  
23    Commerce with foreign Nations, and among the several States, and with the  
24    Indian Tribes"; and

25          WHEREAS, the Interstate Commerce Clause is limited to the federal  
26    government regulating trade between the states, and between the states and  
27    other nations, and to help prevent conflicts between states over commercial  
28    activities, and to prevent the erection of barriers to commerce between the  
29    states; and

30          WHEREAS, the Interstate Commerce Clause should not be used to provide  
31    Congress with authority to regulate matters that are primarily intrastate  
32    with only an insignificant or collateral effect upon interstate commerce;  
33    and

34          WHEREAS, many federal laws are beyond the original scope and intent of  
35    the Interstate Commerce Clause and the Tenth Amendment to the Constitution  
36    of the United States; and

37          WHEREAS, the Tenth Amendment assures that we, the people of the United  
38    States of America and each sovereign state in the union of states, now have,  
39    and have always had, rights the federal government may not usurp; and

40          WHEREAS, Section 4, Article IV, of the Constitution says, "The United  
41    States shall guarantee to every State in this Union a Republican Form of Gov-  
42    ernment" and the Ninth Amendment states that "The enumeration in the Consti-

1     tution, of certain rights, shall not be construed to deny or disparage others  
2     retained by the people."; and

3             WHEREAS, the United States Supreme Court has ruled in *New York v. United*  
4     *States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the  
5     legislative and regulatory processes of the states.

6             NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-  
7     sion of the Sixtieth Legislature Idaho Legislature, the House of Representa-  
8     tives and the Senate concurring therein, that:

9             The Idaho Legislature urges Congress to take action forthwith to ini-  
10     tiate the Article V amendment process to amend the Tenth Amendment and Inter-  
11     state Commerce Clause (Section 8, Article I) of the United States Constitu-  
12     tion; and

13             The Idaho Legislature urges Congress to amend the Tenth Amendment of  
14     the United States Constitution as follows:

15             (Changes in bold): "The powers not **expressly** delegated to the United  
16     States by the Constitution, nor prohibited by it to the States, are re-  
17     served to the States respectively, or to the people. **Any power claimed**  
18     **by the Congress shall be construed narrowly** by all courts so as not to  
19     infringe upon or limit the powers reserved to the States and the people  
20     **by this amendment.**"; and

21             That the Idaho Legislature urges Congress to amend the Interstate Com-  
22     merce Clause (Article I, Section 8) as follows:

23             (Changes in bold): "To **directly** regulate Commerce with the foreign  
24     nations, and among the several States, and with the Indian Tribes,  
25     with no authority in Congress to regulate matters that are primarily  
26     intrastate with only an insignificant or collateral effect upon inter-  
27     state commerce".

28             BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-  
29     tives be, and she is hereby authorized and directed to forward a copy of this  
30     Resolution to the Speaker of the House of Representatives and the President  
31     of the Senate of the Congress of the United States, the presiding officers of  
32     both Houses of the Legislature of each of our sister states in the Union, and  
33     the members of the congressional delegation representing the State of Idaho  
34     in the Congress of the United States.



# Joint Resolution

## Example 22 – Proposing Amendment to the Idaho State Constitution

SENATE JOINT RESOLUTION NO. 103, As Amended

BY EDUCATION COMMITTEE

1 A JOINT RESOLUTION  
2 PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE VIII, OF THE CONSTITUTION OF THE  
3 STATE OF IDAHO, RELATING TO LIMITATIONS ON COUNTY AND MUNICIPAL INDEBTED-  
4 NESS, TO ALLOW SCHOOL DISTRICTS TO INCUR INDEBTEDNESS WITH THE ASSENT OF  
5 TWO-THIRDS OF THE QUALIFIED ELECTORS OR, ALTERNATIVELY, WITH THE ASSENT OF  
6 NO LESS THAN SIXTY PERCENT, RATHER THAN TWO-THIRDS, OF THE QUALIFIED ELEC-  
7 TORS OF THE SCHOOL DISTRICT VOTING AT AN ELECTION HELD FOR THAT PURPOSE  
8 AND HELD ON A DATE IN NOVEMBER AS PROVIDED BY LAW; STATING THE QUESTION TO  
9 BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PRE-  
10 PARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE  
11 TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

12 Be It Resolved by the Legislature of the State of Idaho:

13 SECTION 1. That Section 3, Article VIII, of the Constitution of the State  
14 of Idaho be amended to read as follows:

15 SECTION 3. LIMITATIONS ON COUNTY AND MUNICIPAL INDEBTEDNESS.

16 (1) No county, city, ~~board of education~~, or school district, or other  
17 subdivision of the state, shall incur any indebtedness, or liability,  
18 in any manner, or for any purpose, exceeding in that year, the income  
19 and revenue provided for it for such year, without the assent of  
20 two-thirds ~~(2/3)~~ of the qualified electors thereof voting at an elec-  
21 tion to be held for that purpose, nor unless, before or at the time  
22 of incurring such indebtedness, provisions shall be made for the col-  
23 lection of an annual tax sufficient to pay the interest on such  
24 indebtedness as it falls due, and also to constitute a sinking fund  
25 for the payment of the principal thereof, within thirty ~~(30)~~ years  
26 from the time of contracting the same. Any indebtedness or liability

27 incurred contrary to this provision shall be void. ~~Provided, that~~  
28 ~~This section shall not be construed to apply to the ordinary and~~  
29 ~~necessary expenses authorized by the general laws of the state and~~  
30 ~~provided further that a~~

31 (2) Any city may own, purchase, construct, extend, or equip,  
32 within and without the corporate limits of such city, off street  
33 parking facilities, public recreation facilities, and air navigation  
34 facilities, and, for the purpose of paying the cost thereof may,  
35 without regard to any limitation herein imposed, with the assent of  
36 two-thirds ~~(2/3)~~ of the qualified electors voting at an election to  
37 be held for that purpose, issue revenue bonds therefor, the principal  
38 and interest of which to be paid solely from revenue derived from  
39 rates and charges for the use of, and the service rendered by, such  
40 facilities as may be prescribed by law, ~~and provided further, that a~~

41 (3) Any city or other political subdivision of the state may  
42 own, purchase, construct, extend, or equip, within and without the  
43 corporate limits of such city or political subdivision, water sys-

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1 tems, sewage collection systems, water treatment plants, sewage  
2 treatment plants, and may rehabilitate existing electrical generating  
3 facilities, and for the purpose of paying the cost thereof, may,  
4 without regard to any limitation herein imposed, with the assent of a  
5 majority of the qualified electors voting at an election to be held  
6 for that purpose, issue revenue bonds therefor, the principal and  
7 interest of which to be paid solely from revenue derived from rates  
8 and charges for the use of, and the service rendered by such systems,  
9 plants and facilities, as may be prescribed by law, ~~and provided~~  
10 ~~further that a~~

11           (4) Any port district, for the purpose of carrying into effect  
12 all or any of the powers now or hereafter granted to port districts  
13 by the laws of this state, may contract indebtedness and issue reve-  
14 nuue bonds evidencing such indebtedness, without the necessity of the  
15 voters of the port district authorizing the same, such revenue bonds  
16 to be payable solely from all or such part of the revenues of the  
17 port district derived from any source whatsoever excepting only those  
18 revenues derived from ad valorem taxes, as the port commission  
19 thereof may determine, and such revenue bonds not to be in any manner  
20 or to any extent a general obligation of the port district issuing  
21 the same, nor a charge upon the ad valorem tax revenue of such port  
22 district.

23           (5) A school district may incur indebtedness or liability  
24 exceeding in that year the income and revenue provided for the dis-  
25 trict in that year if:

26           (a) The district obtains the assent of no less than sixty per-  
27 cent, rather than two-thirds, of the qualified electors of the  
28 district voting at an election to be held for that purpose and  
29 held on a date in November provided by law; and

30           (b) Before or at the time of incurring such indebtedness, pro-  
31 visions are made for the collection of an annual tax sufficient  
32 to pay the interest on the indebtedness as it falls due, and  
33 also to constitute a sinking fund for the payment of the princi-  
34 pal of the indebtedness, within thirty years from the time of  
35 contracting the indebtedness.

36           Any indebtedness or liability incurred contrary to this subsection  
37 shall be void. This subsection shall not apply to the ordinary and  
38 necessary expenses authorized by the general laws of the state.

39           SECTION 2. The question to be submitted to the electors of the State of  
40 Idaho at the next general election shall be as follows:

41           "Shall Section 3, Article VIII, of the Constitution of the State of Idaho  
42 be amended to provide that a school district may incur indebtedness with the  
43 assent of two-thirds of the qualified electors or the assent of no less than  
44 sixty percent, rather than two-thirds, of the qualified electors of the school  
45 district voting at an election held for that purpose if the election is held  
46 on a date in November as provided by law?"

47           SECTION 3. The Legislative Council is directed to prepare the statements  
48 required by Section 67-453, Idaho Code, and file the same.

49           SECTION 4. The Secretary of State is hereby directed to publish this pro-  
50 posed constitutional amendment and arguments as required by law.

- Note examples of striking and underscoring in this document that breaks the "strike first" rule.





